REMARKS

Claims 1-4, 6-12 and 14-20 are currently pending in this application, with claims 1, 4 and 19 being the only independent claims. Claims 1, 4 and 19 have been amended. Claim 20 is canceled without prejudice. Support for the amendments may be found, for example, at pg. 3, lines 9-11 of the specification as originally filed. No new matter has been added. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-4, 6-12 and 14-20 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failure to point out and distinctly claim the subject matter which applicants regard as the invention.

The Examiner asserts that "it is unclear if the flattening is part of the shaft or if it is part of the defined area of the flattening (for example, the edges of the flattening)". Applicants note that the claimed flattening forms a part of the shaft and the shoulder of the shaft.

The Examiner also asserts that claim 19 is indefinite because "in the last line the 'electric' motor is not positively recited", and that "the motor is not structurally associated with the rest of the pump". Applicants have amended claim 19 and note that the recitation of "electric pump" in claim 19 merely defines the orientation of the claimed cover, i.e., when the covered is arranged on the side of the G-rotor that would be opposite an electric drive in the event an electric drive is provided to the pump. In addition, the motor vehicle provides the environment in which the G-rotor pump is implemented. In view of the foregoing, independent claims 1, 4 and 12 comply with 35 U.S.C. §112, 2nd paragraph, and reconsideration of withdrawal of the rejections are requested.

Claims 1-4, 6, 9-12, 14, 15, 16, 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,402,460 ("*Fischer*") in view of U.S. Patent No. 5,122,039 ("*Tuckey*"), and further in view of U.S. Patent No. 3,244,111 ("*Shelhart*"). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 1 has been amended to recite, *inter alia*, "a driven G-rotor arranged between a bottom and a cover of a pump casing, said shoulder of said shaft being disposed in an area of said G-rotor between said bottom and said cover and said G-rotor is configured so that said G-rotor is connectable to said shaft in only a single position". Independent claim 4 has been amended to recite, *inter alia*, "wherein said shoulder of said shaft is disposed in an area of said G-rotor between said bottom and said cover and said G-rotor is configured so that said G-rotor is connectable to said shaft in only a single position". Independent claim 19 has been correspondingly amended. Support for the amendments is found, for example, at pg. 3, lines 9-11 of the specification as originally filed. No new matter has been added. The combination of the cited art fails to teach or suggest these claimed limitations.

The Examiner (at pg. 4 of the Office Action) concedes the combination of *Fischer* and *Tuckey* fails to teach or suggest "a flattening or a shoulder in the area of the G-Rotor", and cites *Shelhart* to provide this claimed feature. Applicants, however, respectfully disagree that the combination of *Fischer*, *Tuckey* and *Shelhart* achieves the G-rotor pump of now amended independent claims 1, 4 and 19.

Shelhart relates to "dual pump units having a common power source and reservoir system" (see col. 1, lines 12-14). *Shelhart* (FIG. 1) depicts a pair of rotor pumps 34, 36 in which the internal rotor members 38, 38' of each pump are driven by a common shaft 28 (see col. 2,

line 70 to col. 3, line 4). FIGS. 2 and 4 provide an indication of the exact configuration of the end of the shaft, where FIG. 4 specifically shows that an end of the shaft has flattened surfaces arranged opposite to each other. Each of the surfaces of the *Shelhart* shaft is flattened, but there is no shoulder in any of the two flattened surfaces in the area of the G-Rotor. Moreover, *Shelhart* is required to provide a shoulder that defines a single direction in which the shaft can be connected to the receiving device to achieve the claimed structure of now amended independent claims 1, 4 and 19. Here, however, *Shelhart* depicts a structure that can be oriented in more than one direction. That is, the internal rotor members 38, 38' of each rotor pump 34, 36 can be mounted in a first orientation and a second upside down orientation because the cross section of the shaft is constant throughout the thickness of the internal rotor members. However, independent claims 1, 4 and 19 recite that the shaft has a flattening at one end which includes a shoulder which defines a single direction in which the shaft is connectable to the G-rotor. *Shelhart* thus fails to provide the claimed structure.

The combination of *Fischer*, *Tuckey* and *Shelhart* thus fails to teach or suggest applicants' claimed G-rotor pump. Applicants accordingly assert that independent claims 1, 4 and 19 are therefore patentably distinct over the combination of *Fischer*, *Tuckey* and *Shelhart*.

Reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are therefore in order, and a notice to that effect is respectfully requested.

In view of the patentability of independent claims 1, 4 and 19, dependent claims 2, 6-12, 14-18, and 20 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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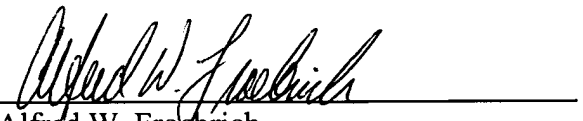
By 

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